

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROBERT BAGETTA,

Petitioner,

Case Number: 2:12-CV-15207

v.

HONORABLE PAUL D. BORMAN
UNITED STATES DISTRICT JUDGE

JOE BARRETT,

Respondent.

**ORDER DENYING PETITIONER'S MOTION FOR COURT
TO AMEND OPINION AND ORDER**

On December 26, 2012, the Court summarily dismissed Robert Bagetta's habeas corpus petition without prejudice because he failed to identify the conviction challenged or show exhaustion of state court remedies. Now before the Court is Petitioner's Motion for Court to Amend Opinion and Order.

Petitioner does not specify the rule under which he seeks amendment of the Court's Order, but the substance of the motion clearly indicates that he seeks reconsideration of the Court's Order. A motion for reconsideration must be filed within fourteen days after entry of the Court's judgment or order. *See* E.D. Mich. L. R. 7.1(h)(1). The Court's Order was entered on December 26, 2012. Petitioner filed his motion on February 11, 2013, well beyond the fourteen-day time limit. The motion is untimely.

In addition, to the extent that Petitioner seeks relief under Federal Rule of Civil Procedure 59, governing motions to alter or amend judgments, the motion is also untimely. Fed. R. Civ. P. 59(e) allows a party twenty-eight days after entry of judgment to file a motion to alter or amend. Petitioner's motion was filed forty-seven days after entry of the dismissal order.

Accordingly, the Court DENIES Petitioner's Motion for Court to Amend Opinion and Order (dkt. # 5).

SO ORDERED.

s/Paul D. Borman
PAUL D. BORMAN
UNITED STATES DISTRICT JUDGE

Dated: September 27, 2013

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on September 27, 2013.

s/Deborah Tofil
Case Manager